

The motion of the Candy Digital Defendants to compel the execution of HIPAA releases, Dkt. No. 72, is resolved as discussed at the hearing held today, November 6, 2024. The Candy Digital Defendants stated at the hearing that they seek all medical records from Plaintiff's therapist beginning on May 10, 2017. The Candy Digital Defendants are authorized to serve a Rule 45 subpoena on the therapist seeking such documents. Plaintiff shall provide to the Candy Digital Defendants a HIPAA release authorizing a disclosure of the therapist records within that scope that Plaintiff in good faith believes has been put at issue by the claim for emotional distress damages in this case. The HIPAA release shall be completed and executed no later than November 15, 2024. The subpoena may be accompanied by the HIPAA release agreed to by Plaintiff such that the therapist, without further order of the Court, will be permitted to provide to the Candy Digital Defendants (and to the Fanatics Defendants) all documents that fall within the scope of the release. To the extent that Plaintiff asserts a claim of privilege with respect to any subpoenaed documents that fall outside the scope of the HIPAA release, Plaintiff shall serve a

privilege log on the Candy Digital Defendants providing the information necessary to support such claim of privilege (but not revealing the claimed privilege information). Absent agreement by the parties to the contrary, the privilege log shall be served at the same time as production of documents from the therapist is complete. Defendants may challenge any claim of privilege.

Separately, the parties are authorized to submit a revised proposed protective order to the Court creating a new category for documents that are “attorney’s eyes only.”

SO ORDERED.

Dated: November 6, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge